

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
Schools and Libraries	)	CC Docket No. 02-6
Universal Service Support Mechanism	)	

**REQUEST OF WEST VIRGINIA DEPARTMENT OF EDUCATION FOR A  
WAIVER OF E-RATE RULES REGARDING SERVICE SUBSTITUTIONS**

Pursuant to Section 1.3 of the Commission's Rules, the West Virginia Department of Education respectfully requests a waiver of the E-rate rules pertaining to Service Substitution requests, specifically that *"In the event that a service substitution results in a change in the pre-discount price for the supported service, support shall be based on the lower of either the pre-discount price of the service for which support was originally requested or the pre-discount price of the new, substituted service."* (Third Report and Order FCC 03-323, December 23, 2003).

This request is associated with services to Summersville Elementary School (Entity Number 27595), FRN 1271092. This application was made by the West Virginia Department of Education as the billed entity (BEN 126678) on behalf of Summersville Elementary School. The original Item 21 attachment that was submitted during the original request on the FCC Form 471 was for a total of \$35,916.00 and included \$29,686.00 for cabling. For funding year 2005, the West Virginia Department of Education was granted \$35,916.00 on January 17, 2007 on behalf of Summersville Elementary School.

A subsequent service substitution request mistakenly omitted the original cabling due to the vendor's error. The requested amount, without the cabling, was only \$4,670.00. The request was received by USAC on October 1, 2007 and approved on November 27, 2007.

WVDE notified substitution reviewer Esther Hung via e-mail on April 2, 2008 as soon as the error was discovered. Ms. Hung advised WVDE to submit a "Corrective Service Substitution," which it filed with USAC on April 11, 2008. The corrected service substitution request also corrected several other numerical figures. Although the Administrator approved the other corrected requests, he did not approve inclusion of the original cabling in his decision of June 9, 2008.

In its denial of the cabling correction, the Administrator apparently applied the Commission's rule embodied in Order FCC 03-323 that once it reduces funding to a school based on a service substitution request, it will not allow a later increase. WVDE is seeking a waiver of that rule on behalf of Nicholas County and Summersville Elementary. Section 1.3 of the Commission's rules provides that the Commission may waive its rules "if good cause therefore is shown." Generally, a waiver is appropriate if "special circumstances warrant deviation from the general rule and such deviation will serve the public interest." Such special circumstances exist in this case.

Legislative allocations to Nicholas County this year for eleven elementary schools will be \$68,276. The cabling on the FRN alone--\$29,686.00--would wipe out 43% of the allocated funding and therefore Summersville Elementary will be unable to install the 129 drops planned in the original request which the Commission had approved. The existing cabling at Summersville Elementary is dreadfully out of

date and in extreme need of updating.

Summersville Elementary has historically received modest funding from E-rate--\$12,128 for Internal Connections and, prior to that, \$968.00 in 1999. It was so enthusiastic and grateful for the original approval of \$35,915.00, the bulk of which was for cabling. Since it receives an 80% E-rate discount, such funding is rare, and the school cannot anticipate receiving a similar amount in the future. Its plans will be greatly scaled back, all due to a clerical error. It is surely not the purpose of Order FCC 03-323 to punish schools for application mistakes.

### **Conclusion**

The Commission should grant this request for a waiver of the E-rate rules relating to service substitutions and the reduction of an FRN based on an erroneous dollar amount submitted on a service substitution. This would allow Summersville Elementary School to receive the full benefit of the E-rate discounts for which they were approved. The adjusted total cost is \$29,686.00, therefore, the amount requested to return to the school would be \$23,748.80 (80% of the total cost of cabling) per the attached corrective service substitution document.

Respectfully submitted,  
WEST VIRGINIA DEPARTMENT OF EDUCATION

By: /s/ **Steven L. Paine**

Steven L. Paine  
State Superintendent of Schools

#### Attached Documents:

- Original Item 21 attachment
- Funding Commitment Decision Letter
- Original Service Substitution
- Administrator's Decision on Service Substitutions Letter
- Vendor Email (Celia Vargo) notifying problem
- Email from Esther Hung suggesting Corrective Service Substitutions
- Corrective Service Substitution
- Administrator's Decision on Service Substitutions Letter (Not approved)

Nicholas

**Applicant Name**

West Virginia Dept of Ed

Change Order 7

**Billed Entity Number**

126678

Summersville ES

**Form 471 Application Number**

459211

**Funding Request Number**

1271092

**Service Provider**

IBM (143005607)

**Applicant's Form Identifier**

BSCE80

**Narrative description of this funding request:**

Lan cabling and electronics for classrooms at Summersville Elementary in Nicholas County.

Qty	Description		Eligible Unit Cost	Extended Price
<b>Product List</b>		<b>Product Type</b>		
<u><b>Network Cabling Services:</b></u>				
6	Single Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	291.00	1,746.00
15	Double Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	485.00	7,275.00
31	Triple Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	640.00	19,840.00
1	24" Wall Mounted Cabinet and Installation	Cabling - Misc	625.00	625.00
2	Infrastructure Services/Hr	Installation Services	100.00	200.00
<u><b>CISCO</b></u>				
1	Catalyst 3550 24 port 10/100Base-TX Switch -2GBIC	Electronics - Switch	2,335.00	2,335.00
1	Catalyst 3550 48 port 10/100Base-TX Switch -2GBIC	Electronics - Switch	3,895.00	3,895.00

**Total for School****35,916.00**



Universal Service Administrative Company  
Schools & Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2005: 07/01/2005 - 06/30/2006)

January 17, 2007

Phyllis Justice  
WEST VIRGINIA STATE DEPT OF ED  
1900 KANAWHA BLVD E  
CHARLESTON, WV 25305-0009

Re: Form 471 Application Number: 459211  
Funding Year 2005: 07/01/2005 - 06/30/2006  
Billed Entity Number: 126678  
Billed Entity FCC RN: 0011863149  
Applicant's Form Identifier: BSCE80

Thank you for your Funding Year 2005 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$302,986.40 is "Approved."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

**FUNDING COMMITMENT REPORT**

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

**TO APPEAL THIS DECISION:**

If you wish to appeal a decision in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,

- Applicant BEN and service provider SPIN,
  - Form 471 Application Number as assigned by the SLD,
  - "Funding Commitment Decision Letter for Funding Year 2005," AND
  - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
  4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by the SLD's decision.
  5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on our web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). Click "Continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973) 599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal  
 Schools and Libraries Division  
 Box 125 - Correspondence Unit  
 80 South Jefferson Road  
 Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use either the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the Universal Service Administrative Company (USAC) and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
 Universal Service Administrative Company

FUNDING COMMITMENT REPORT  
Billed Entity Name: WEST VIRGINIA STATE DEPT OF ED  
BEN: 126678  
Funding Year: 2005

Form 471 Application Number: 459211  
Funding Request Number: 1271058  
Funding Status: Funded  
Category of Service: Internal Connections  
Form 470 Application Number: 951780000268795  
SPIN: 143005607  
Service Provider Name: International Business Machines Corporation  
Contract Number: EDDK6  
Billing Account Number: N/A  
Service Start Date: 07/01/2005  
Contract Expiration Date: 06/30/2006  
Site Identifier: 27602  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$20,211.20  
Pre-discount Amount: \$20,211.20  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$16,168.96 - FRN approved as submitted

FCDL Date: 01/17/2007  
Wave Number: 066

Funding Request Number: 1271092  
Funding Status: Funded  
Category of Service: Internal Connections  
Form 470 Application Number: 951780000268795  
SPIN: 143005607  
Service Provider Name: International Business Machines Corporation  
Contract Number: EDDK6  
Billing Account Number: N/A  
Service Start Date: 07/01/2005  
Contract Expiration Date: 06/30/2006  
Site Identifier: 27595  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$35,916.00  
Pre-discount Amount: \$35,916.00  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$28,732.80 - FRN approved as submitted

FCDL Date: 01/17/2007  
Wave Number: 066

Service Substitutions  
Schools and Libraries Division  
100 South Jefferson Road  
PO Box 902  
Whippany, New Jersey 07981

The West Virginia Department of Education (**Entity Number 126678**) is requesting a service substitution for

**Application number :** 459211

**Funding Request Number:** 1271092

**County:** Nicholas

**School:** Summersville Elementary

The specific change requested is as follows:

**From list:**

Qty	Description	Product Type	Price Each	Extended Price
6	Single Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	291.00	1,746.00
15	Double Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	485.00	7,275.00
31	Triple Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	640.00	19,840.00
1	24" Wall Mounted Cabinet and Installation	Cabling - Misc	625.00	625.00
2	Infrastructure Services/Hr	Installation Services	100.00	200.00
	<b>CISCO</b>			
1	Catalyst 3550 24 port 10/100Base-TX Switch -2GBIC	Electronics - Switch	2,335.00	2,335.00
1	Catalyst 3550 48 port 10/100Base-TX Switch -2GBIC	Electronics - Switch	3,895.00	3,895.00
<b>Total for School</b>				<b>\$ 35,916.00</b>

**To List:**

Qty	Description	Product Type	Price Each	Extended Price
2	Catalyst 3550 24 port 10/100Base-TX Switch -2GBIC	Electronics - Switch	2,335.00	4,670.00
<b>Total for School</b>				<b>\$ 4,670.00</b>

I certify:

- that the substituted products or services have the same functionality as contained in the original proposal;
- that the substitution does not violate any contract provisions or state or local procurement laws;
- that the substitution does not result in an increase in the percentage of ineligible services or functions; and
- that the requested change is within the scope of the controlling FCC Form 470, including any associated Requests for Proposal for the original services.

To the extent that the requested service substitution provides a decreased cost, I authorize the Schools and Libraries Division to reduce my funding commitment.

---

Julia Benincosa, State E-rate Coordinator, Office of Instructional Technology  
West Virginia Department of Education  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305  
304-558-7880; 304-957-9833 (Ext. 53284)--Direct Line  
jbeninco@access.k12.wv.us



Universal Service Administrative Company

Schools and Libraries Division

## ADMINISTRATOR'S DECISION ON SERVICE SUBSTITUTION REQUEST

November 27, 2007

Julia J. Benincosa  
West Virginia State Department of Education  
1900 Kanawha Boulevard East  
Building 6, Room 346  
Charleston, WV 25305

Form 471 Application Number: 459211

Dear Applicant:

This letter is your notification that the FCC Form 471, *Services Ordered and Certification Form* you submitted for **Minor Modifications** was received and approved. You are now authorized to make the changes identified in your submission.

This letter does NOT authorize any increase in funding of any Funding Request Numbers (FRNs) contained in your submission. If the changes represent a cost decrease from the original commitment amount for the Funding Request Numbers (FRNs) listed below, the Schools and Libraries Division (SLD) automatically adjusts the funding commitment for the affected FRNs. If applicable, the amount of the reduction and the revised funding commitment will be shown below for the affected FRNs.

**Do NOT file FCC Form 500 to reflect any funding reduction from this service substitution request, as the funding reduction has already been taken.**

**Please keep this letter for your records. This is the only notification you will receive indicating the processing of the above-submitted form, and of a reduced funding commitment if a cost decrease is included.**

The Funding Request Numbers (FRNs) listed below are the only changes to products or services authorized for this Minor Modification filing.

FRN: 1271042  
Reduction: \$1,408.00  
Revised Commitment: \$3,736.00

FRN: 1271058  
Reduction: \$2,200.96  
Revised Commitment: \$13,968.00



FRN: 1297872  
Reduction: \$4,174.00  
Revised Commitment: \$4,974.40

FRN: 1297990  
Reduction: \$1,084.96  
Revised Commitment: \$4,646.40

FRN: 1298011  
Reduction: \$2,008.80  
Revised Commitment: \$1,296.00

FRN: 1298118  
Reduction: \$1,857.60  
Revised Commitment: \$7,771.20

FRN: 1302236  
Reduction: \$1,713.92  
Revised Commitment: \$5,827.84

FRN: 1302507  
Reduction: \$7,384.32  
Revised Commitment: \$1,212.00

FRN: 1271023, 1271182, 1271273, 1273615, 1273637, 1273991, 1274200, 1297928, 1303452  
Reduction: \$No change  
Revised Commitment: \$No change

If you have any questions regarding the above information, please write to us at "SLD, Box 902-  
Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981."

FRN: 1271092  
Reduction: \$24,996.80  
Revised Commitment: \$3,736.00

FRN: 1271115  
Reduction: \$1,408.00  
Revised Commitment: \$3,736.00

FRN: 1271219  
Reduction: \$54.19  
Revised Commitment: \$5,922.45

FRN: 1273426  
Reduction: \$4,625.60  
Revised Commitment: \$1,180.80

FRN: 1273549  
Reduction: \$1,082.40  
Revised Commitment: \$6,680.80

FRN: 1273568  
Reduction: \$285.92  
Revised Commitment: \$5,431.28

FRN: 1273655  
Reduction: \$452.80  
Revised Commitment: \$1,164.80

FRN: 1274023  
Reduction: \$82.82  
Revised Commitment: \$3,293.66

FRN: 1274047  
Reduction: \$77.84  
Revised Commitment: \$3,428.56

FRN: 1274073  
Reduction: \$104.00  
Revised Commitment: \$7,640.80

FRN: 1274125  
Reduction: \$9,400.00  
Revised Commitment: \$9,161.44

FRN: 1274153  
Reduction: \$800.00  
Revised Commitment: \$21,533.57

FRN: 1274176  
Reduction: \$200.00  
Revised Commitment: \$24,662.86

## TO APPEAL THIS DECISION

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - appellant name,
  - applicant or service provider name, if different than appellant,
  - applicant BEN and service provider SPIN,
  - application or form number as assigned by the USAC
  - Funding Request Number(s) (FRNs) you are appealing if provided in the letter,
  - Name of letter and funding year – both are located at the top of the letter, and
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

**Julia Benincosa**

**From:** Celia Vargo [cvargo@us.ibm.com]  
**Sent:** Thursday, April 10, 2008 11:33 AM  
**To:** Julia Benincosa  
**Cc:** 'Jack Daugherty'; Kent Reed; 'Sarah Lyons'  
**Subject:** Re: FW: Nicholas ERATE configs with TI money  
**Attachments:** nicholas dixie frn SUBSTITUTION 1271023.xls; nicholas Summersville SUBSTITUTION FRN 1271092.xls; nicholas mt nevo SUBSTITUTION FRN 1271042.xls; nicholas zela SUBSTITUTION FRN 1271115.xls

I think there has been a lot of confusion with Summersville. Kent originally scoped a large number of drops for SES. Kent recalls that someone from the county told him they didn't need the drops at SES but I'm not sure that was even the problem here. I have at least one version of the substitution form (dated 9/17/08) for Summersville where I had the drops in the "to" section... The spreadsheet below was dated 9/16... It looks like I may have not understood the substitution form correctly and just put in the substituted parts thinking that the rest of the request was going to stay the same and so it didn't need to be on the bottom. I looked at some others that I did that day (Marshall county for instance), and I did the same thing on it...just putting the item that needed "fixed" in the "to" column. I'm pretty sure we discussed all these at the time, but my memory fails me now.

If I caused a problem with this, I apologize. There is some funding left in TI, so if we are in need of some drops after Pomeroy does their matching money, perhaps we could take it from that funding bucket.

\*\*\*\*\*

Celia Vargo  
 Project Manager  
 IBM Global Technology Services  
 145 Summers Street, Suite 200  
 Charleston WV 25301  
 HO 304-458-2009, HO EFax 845-432-0216  
 Tie Line (messages only) 736-7367

▼ "Julia Benincosa" <jbeninco@access.k12.wv.us>



"Julia Benincosa"  
 <jbeninco@access.k12.wv.us>

04/10/2008 10:44 AM

To "Sarah Lyons" <slyons@access.k12.wv.us>  
 cc Celia Vargo/Charleston/IBM@IBMUS, Kent  
 Reed/Charleston/IBM@IBMUS, "Jack Daugherty"  
 <jldaughe@access.k12.wv.us>  
 Subject FW: Nicholas ERATE configs with TI money

Sarah,

I found the email where Celia sent me the Substitutions she did for the Nicholas County schools. Summersville doesn't have cabling on the substitution. That email is attached with the spreadsheets.

Thank you.

**Julia J. Benincosa**  
 Instructional Technology Coordinator  
 West Virginia Department of Education

7/28/2008

Office of Technology  
1900 Kanawha Blvd., East  
Building 6, Room 346  
Main Line: (304) 558-7880  
Fax: (304)558-2584  
Email: [jbeninco@access.k12.wv.us](mailto:jbeninco@access.k12.wv.us)  
Website: <http://access.k12.wv.us/erate>

---

**From:** Sarah Lyons [<mailto:slyons@access.k12.wv.us>]  
**Sent:** Thursday, April 10, 2008 10:27 AM  
**To:** Jack Daugherty; [jbeninco@access.k12.wv.us](mailto:jbeninco@access.k12.wv.us)  
**Subject:** FW: Nicholas ERATE configs with TI money

Jack:

I am forwarding this to Julia for her to check. Not sure what happened here.

Sarah Lyons  
Instructional Technology Coordinator  
Office of Technology  
West Virginia Department of Education  
Building 6, Room 346  
Charleston, West Virginia 25305-0330  
304-558-7880  
[slyons@access.k12.wv.us](mailto:slyons@access.k12.wv.us)

---

**From:** Jack Daugherty [<mailto:jldaughe@access.k12.wv.us>]  
**Sent:** Wednesday, April 09, 2008 3:01 PM  
**To:** 'Sarah Lyons'  
**Subject:** RE: Nicholas ERATE configs with TI money

Was the Summersville correct? I thought we were to get wiring. The original wiring was different than what we needed. Thanks, Jack

---

**From:** Sarah Lyons [<mailto:slyons@access.k12.wv.us>]  
**Sent:** Wednesday, April 09, 2008 2:29 PM  
**To:** 'Celia Vargo'; [jldaughe@access.k12.wv.us](mailto:jldaughe@access.k12.wv.us)  
**Cc:** 'Connie White'; 'Kent Reed'  
**Subject:** RE: Nicholas ERATE configs with TI money

Jack and Celia – thanks for sending these forward.

Celia – with the balance in Nicholas account- Pomeroy is using some of that for its e-rate match for Richwood JHS server and Vo Tech.

If you still need cabling at Summersville ES, we will have to make another e-rate request.

Jack- the sooner you can sign these and return to IBM, the sooner we can get this work in the work queue. Let me know if there are questions. Thanks!

Sarah Lyons  
Instructional Technology Coordinator  
Office of Technology  
West Virginia Department of Education  
Building 6, Room 346

7/28/2008

Charleston, West Virginia 25305-0330

304-558-7880

[slyons@access.k12.wv.us](mailto:slyons@access.k12.wv.us)

**From:** Celia Vargo [<mailto:cvargo@us.ibm.com>]

**Sent:** Wednesday, April 09, 2008 2:16 PM

**To:** jldaughe@access.k12.wv.us

**Cc:** slyons@access.k12.wv.us; Connie White; Kent Reed

**Subject:** Nicholas ERATE configs with TI money

Hi Jack!

Here are your ERATE configurations for Dixie, Mount Nebo, SUMmersville and Zela.

Panther Creek was already done so I think the State will file a BEAR form for that.

Summersville originally had a large (\$35K) request, but after the substitution, it was small (\$4k)...I guess you already got that work done as well.

At any rate, you have quite a bit left in your TI account. Please see the last page for your "unconfigured" balances. If you need additional cabling or anything else, please let us know. I'm sure the State will want the money spent ASAP.

Sign and get these back to Connie ASAP please. Thx.

(See attached file: *nicholas erate april 2008.pdf*)

\*\*\*\*\*

Celia Vargo

Project Manager

IBM Global Technology Services

145 Summers Street, Suite 200

Charleston WV 25301

HO 304-458-2009, HO EFax 845-432-0216

Tie Line (messages only) 736-7367

----- Message from "Celia Vargo" <[cvargo@us.ibm.com](mailto:cvargo@us.ibm.com)> on Sun, 16 Sep 2007 19:04:11 -0400 -----

<[jbeninco@access.k12.wv.us](mailto:jbeninco@access.k12.wv.us)>:**To**

<[slyons@access.k12.wv.us](mailto:slyons@access.k12.wv.us)>:**cc**

nicholas service substitutions:**Subject**

Here are the ones for Nicholas. Please call me to discuss. I am having a hard time with these because the substitutions cost more than the original request.

I have no idea if this will work for Dixie. The price has gone up on the drops and not matter what I did, the total was higher than the original amount.

(See attached file: *nicholas dixie frn SUBSTITUTION 1271023.xls*)

This one has an electronics substitution that costs more than the original

(See attached file: *nicholas Summersville SUBSTITUTION FRN 1271092.xls*)

7/28/2008

Same problem Mt Nebo

*(See attached file: nicholas mt nevo SUBSTITUTION FRN 1271042.xls)*

Same problem

*(See attached file: nicholas zela SUBSTITUTION FRN 1271115.xls)*

\*\*\*\*\*

Celia Vargo

Project Manager

IBM Global Technology Services

145 Summers Street, Suite 200

Charleston WV 25301

HO 304-458-2009, HO EFax 845-432-0216

Tie Line (messages only) 736-7367 *(See attached file: nicholas dixie frn SUBSTITUTION*

*1271023.xls)(See attached file: nicholas Summersville SUBSTITUTION FRN 1271092.xls)(See attached*

*file: nicholas mt nevo SUBSTITUTION FRN 1271042.xls)(See attached file: nicholas zela*

*SUBSTITUTION FRN 1271115.xls)*

**Julia Benincosa**

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**From:** Hung, Esther [EHUNG@sl.universalservice.org]  
**Sent:** Thursday, April 03, 2008 11:52 AM  
**To:** Julia Benincosa  
**Subject:** RE: Question Service Substitution App #459211 - West Virginia Dept of Education

Hi Julia,

What you need to do is submit a 'corrective service substitution request', clearly indicating what the correct "To" amount should have been as well as the corrected supporting documentation.

The previous SSR was processed and the case is closed in our system, therefore you need to submit a new SSR to correct the issue and we will be able to assign it as a new case and adjust the FRN.

Please note that you will need to send this in via the usual procedure and not directly to me. It needs to be set up in the system by our client operations before it comes to me. Let me know if you have any further problems or questions!

Sincerely,  
Esther Hung  
Service Substitutions & Technical Services  
Schools & Libraries Division  
Phone: 973-581-5090  
Fax: 973-599-6545  
E-mail: ehung@sl.universalservice.org

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**From:** Julia Benincosa [mailto:jbeninco@access.k12.wv.us]  
**Sent:** Wednesday, April 02, 2008 3:08 PM  
**To:** Hung, Esther  
**Subject:** RE: Question Service Substitution App #459211 - West Virginia Dept of Education

Esther,

I have another question about the service substitutions I filed previously. I found an error I made in the total of one. I used a formula, and it didn't bring in all of the line items, so there were some installation charges that didn't get added, so the total on the document is less than it should be. I have attached the sub to exhibit my issue.

The DRT isn't showing up with the substituted amount or reflecting a reduction, so I am wondering if it is something I can fix or is it too late? You are the only reviewer that asked me any questions, so you're the lucky person that I have been contacting with questions.

Please let me know what I can do.

Thank you.

**Julia J. Benincosa**  
Instructional Technology Coordinator  
West Virginia Department of Education  
Office of Technology  
1900 Kanawha Blvd., East  
Building 6, Room 346  
Main Line: (304) 558-7880  
Fax: (304) 558-2584  
Email: jbeninco@access.k12.wv.us  
Website: <http://access.k12.wv.us/erate>

4/4/2008



**Corrective Service Substitution Request**

**Contact: Julia Benincosa**

**Email: jbeninco@access.k12.wv.us**

**Phone: 304-558-7880**

**Fax: 304-558-2584**

**West Virginia Department of Education – BEN: 126678**

**Application Numbers & Associated FRNs:**

1. 459211; FRN: 1271042 for Nicholas County-Mt. Nebo Elementary
2. 459211; FRN: 1271092 for Nicholas County-Summersville Elementary
3. 459211; FRN: 1274115 for Wyoming County-Huff Consolidated Elementary

Attached are three corrective service substitution requests. Below are details as to the nature of the corrections to the “To:” sections.

**459211; FRN: 1271042 for Nicholas County-Mt. Nebo Elementary**

The total dollar amount on original service substitution did not include all line items due to an error in the Excel spreadsheet formula. Old total was: \$4670.00. Corrected total is \$4882.00.

**459211; FRN: 1271092 for Nicholas County-Summersville Elementary**

Some of the line items from the original service substitution were erroneously omitted as a ministerial and clerical error. The items have been included on the corrected service substitution. The original committed request appears in the “From” Section as it was presented in the original Item 21 attachment.

Original Item 21 Total: \$35,916.00

Erroneous Service Substitution Total: \$4,670.00

Corrected Service Substitution Total: \$34,356.00

**459211; FRN: 1274115 for Wyoming County-Huff Consolidated Elementary**

The total dollar amount on original service substitution did not include all line items due to an error in the Excel spreadsheet formula. Old total was: \$11,451.80. Corrected total is \$11,453.80.

Service Substitutions  
 Schools and Libraries Division  
 100 South Jefferson Road  
 PO Box 902  
 Whippany, New Jersey 07981

The West Virginia Department of Education (Entity Number 126678) is requesting a service substitution for

Application number : 459211

Funding Request Number: 1271092

County: Nicholas

School: Summersville Elementary

The specific change requested is as follows:

From list:

Qty	Description	Product Type	Price Each	Extended Price
6	Single Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	291.00	1,746.00
15	Double Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	485.00	7,275.00
31	Triple Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	640.00	19,840.00
1	24" Wall Mounted Cabinet and Installation	Cabling - Misc	625.00	625.00
2	Infrastructure Services/Hr <u>CISCO</u>	Installation Services	100.00	200.00
1	Catalyst 3550 24 port 10/100Base-TX Switch -2GBIC	Electronics - Switch	2,335.00	2,335.00
1	Catalyst 3550 48 port 10/100Base-TX Switch -2GBIC	Electronics - Switch	3,895.00	3,895.00
<b>Total for School</b>				<b>\$ 35,916.00</b>


To List:

Qty	Description	Product Type	Price Each	Extended Price
6	Single Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	291.00	1,746.00
15	Double Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	485.00	7,275.00
31	Triple Cat6 Plenum Cable Drop to Faceplate	Cabling - CAT6	640.00	19,840.00
1	24" Wall Mounted Cabinet and Installation	Cabling - Misc	625.00	625.00
2	Infrastructure Services/Hr	Installation Services	100.00	200.00
2	Catalyst 3550 24 port 10/100Base-TX Switch -2GBIC	Electronics - Switch	2,335.00	4,670.00
<b>Total for School</b>				<b>\$ 34,356.00</b>

I certify:

- a. that the substituted products or services have the same functionality as contained in the original proposal;
- b. that the substitution does not violate any contract provisions or state or local procurement laws;
- c. that the substitution does not result in an increase in the percentage of ineligible services or functions; and
- d. that the requested change is within the scope of the controlling FCC Form 470, including any associated Requests for Proposal for the original services.

To the extent that the requested service substitution provides a decreased cost, I authorize the Schools and Libraries Division to reduce my funding commitment.

 04/11/08

Julia Benincosa, State E-rate Coordinator, Office of Instructional Technology  
 West Virginia Department of Education  
 1900 Kanawha Blvd., East  
 Charleston, West Virginia 25305  
 304-558-7880; 304-957-9833 (Ext. 53284)--Direct Line  
 jbeninco@access.k12.wv.us

**Administrator's Decision on Service Substitution Request**

June 9, 2008

Julia Benincosa  
West Virginia Department of Education  
1900 Kanawha Blvd., East  
Charleston, WV 25305

Form 471 Application Number: 459211

**Dear Applicant,**

This letter is your notification that the FCC Form 471, *Services Ordered and Certification Form* you submitted for **Minor Modifications** was received and is not approved. You are not authorized to make the changes identified in your submission.

**FRN(s):** 1271092

**Decision: Not Approved**

Your request is not approved for the following reason(s):

- If the requested substitution involves an increase in pre-discount cost of an eligible item, the request will be funded at the amount previously approved.

**Please keep this letter for your records. This is the only notification you will receive indicating the processing of the above-submitted form.**

If you have any questions regarding the above information, please write to us at "SLD, Box 902-Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981."

**TO APPEAL THIS DECISION**

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - appellant name,
  - applicant or service provider name, if different than appellant,
  - applicant BEN and service provider SPIN,
  - application or form number as assigned by the USAC

- Funding Request Number(s) (FRNs) you are appealing if provided in the letter,
  - Name of letter and funding year – both are located at the top of the letter, and
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
  4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
  5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.